3217c

GUIDELINE C-1
(formerly 14-01)

Mandatory or Discretionary Hearings on Waste Disposal Sites

Legislative Authority:

Environmental Protection Act, RSO 1990, Sections 30 to 32
Ontario Regulation 347 as amended by Ontario Regulation 457/93

Responsible Director:

Director, Approvals Branch

Last Revision Date:

April, 1994

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SYNOPSIS

The primary purpose of this guideline is to describe when hearings on waste disposal sites are either mandatory or discretionary under Sections 30 and 32, Part V of the *Environmental Protection Act*. This guideline applies to new, and extensions to existing, waste disposal sites, and provides information for use by Ministry staff, applicants and the public with respect to whether a hearing is mandatory or discretionary.

1.0 Mandatory Hearings on Waste Disposal Sites

1.1 New Sites

All new waste disposal sites used for "final disposal" of any of the following materials will require mandatory hearings:

(a) liquid industrial wastes in any amounts;
(b) hazardous wastes in any amounts; or
(c) municipal waste produced by at least a 1,500 population equivalent.

"final disposal" means:

(a) the deposit of waste at a dump, not including the handling, storing, transferring, treating or processing of waste at a dump;
(b) the landfilling of waste; or
(c) the incineration of waste.

1.2 Exclusions

The operation of organic soil conditioning sites is not considered final disposal and is thus not subject to mandatory hearings.

1.3 Extension to Existing Sites

1.3.1 Liquid Industrial Wastes and Hazardous Wastes

Mandatory hearings shall be required in the case of extensions to waste disposal sites used for disposal of liquid industrial wastes or hazardous wastes in any amount, if such extensions were not provided for in the hearing at the time of the initial or subsequent certification.

1.3.2 Need for Increased Volume

Site owners are encouraged to consider the future need for increased volume at the time of initial certification to avoid unnecessary subsequent hearings.

1.3.3 Industrial Wastes Intended for Municipal Sites

A mandatory hearing is required in the case of extensions to sites approved for municipal waste when liquid industrial wastes and hazardous wastes are intended for disposal.

1.3.4 Municipal Waste

A mandatory hearing is required in the case of extensions to waste disposal sites for the purpose of accepting municipal waste if the increased waste load exceeds the 1,500 population equivalent. Operators of municipal sites are also encouraged to consider future needs as described in Section 1.3.2 above.

1.4 Hearing Arrangements

In the case of new sites or extensions to existing sites, recommendations to the Director are not necessary. Staff shall proceed automatically to arrange the hearing.

2.0 Discretionary Hearings

In all other cases, hearings are at the discretion of the Regional Director.

2.1 Factors for Regional Director to Consider

The Regional Director shall consider the following factors:

2.1.1 Hearings Normally Called

A hearing will normally be held if:

(a) a site is used to process, hold, condition or otherwise receive but not dispose of either liquid industrial wastes or hazardous wastes, unless sufficient justification is presented for not holding a hearing. As part of this justification, the Director shall consider the intent of the facilities. Facilities that are involved in the processing of wastes for 3Rs should be encouraged where the technology is proven and a proven market for the product is available;

(b) a transfer station will be used for extended storage for an indefinite period of time where there is no current approval for final disposal of the waste;
(c) a request, including reasons, is received from the council of the municipality in which the site is proposed to be located;
(d) a significant number of public requests are received; or
(e) the proposed use of land is inconsistent with official plans or zoning by-laws.

2.1.2 Hearings May be Called

A hearing may be called if:

(a) there is likely to be a significant off-site environmental impact;
(b) the site design or operation may require special evaluation; or
(c) other unanticipated factors suggest a hearing may be necessary.

2.2 Notification When Hearings Not Mandatory

In cases in which a hearing is not mandatory, the Regional Office shall normally notify the municipality, and anyone else who might be affected, by letter to request that comments on the matter be submitted to the Director. In reorganized municipalities and counties with county waste disposal sites or waste management systems, both levels of government shall be notified. If a disposal site is at or near a municipal boundary, the Regional Office shall consider advising the adjoining municipality.

2.3 Suggested Letter

A suggested letter for notifying a municipality about a proposed waste disposal site is provided.

3.0 Emergency Situation

Section 31 of the *Environmental Protection Act* provides for where, in the opinion of the Director, an emergency situation exists by reason of:

(a) danger to the health or safety of any person;

(b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it;

or

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

The emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site. The Director may issue a Certificate of Approval without requiring the Environmental Assessment Board to hold a hearing.

(UPPER TIER MUNICIPALITY - REGION/COUNTY)

Attention: Clerk

RE: (COMPANY NAME)'s Application for a Certificate of Approval for a (TYPE OF APPLICATION). File No. ******

The West Central Region of the Ministry of Environment and Energy has received an application from (COMPANY NAME) requesting the certification of a (TYPE OF APPLICATION) to be located at (SITE LOCATION). The company has requested approval to operate a (BRIEF DESCRIPTION OF PROPOSAL). We have attached a copy of the proponent's application for your information. Should you require additional detail with regard to this application, we suggest you contact the applicant directly at (APPLICANT'S PHONE #).

This application will be reviewed by this office. The Ministry would appreciate your comments on this application. We request your response with respect to this application within 30 days from **the date of this letter.** We will appreciate any preliminary comments you may have to offer us during the course of your application review process.

Please refer to File No. A****** in all related correspondence.

As you may be aware, the Director has discretion under Section 32, Part V of the *Environmental Protection Act* to hold a public hearing regarding applications for waste disposal facilities. If you wish to make comments with respect to the need or otherwise for a hearing, please write directly to this office, setting forth your reasons.

Should you have any questions or concerns you may contact (APPROVALS OFFICER) at (PHONE NUMBER).

Yours truly,

Chief
Approvals and Planning
West Central Region

Attach.

cc: ******** District Office, Ministry of Environment and Energy
(LOCAL TIER MUNICIPALITY - CITY/TOWN)
(APPLICANT)